

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WENDY NELSEN,

Plaintiff,

v.

Case No. 16-cv-1679-pp

DR. KELLY O'BRIEN,

Defendant.

**ORDER DIRECTING THE PLAINTIFF TO RESPOND TO THE DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT BY AUGUST 17, 2018**

The plaintiff filed a complaint under 42 U.S.C. §1983, alleging that the defendant violated her civil rights at the Taycheedah Correctional Institution. Dkt. No. 1. On May 10, 2018, the court issued a screening order, allowing the plaintiff to proceed with a claim that the defendant violated her Eighth Amendment rights. Dkt. No. 9. On July 5, 2018, the defendant filed (1) an answer to the complaint, and (2) a motion for summary judgment alleging that the plaintiff had failed to exhaust her administrative remedies. Dkt. Nos. 13, 14.

Because the court has not had the chance to issue a scheduling order, the plaintiff likely does not know whether or when she should respond to this motion. The rules give the plaintiff the right to oppose the motion, if she has a legal basis for doing so. Fed. R. Civ. P. 56; Civil L.R. 56 (the defendant attached a copy of these rules to the motion for summary judgment). If the plaintiff wants to oppose the motion, she must file her opposition brief in time for the

court to receive by the end of the day on **Friday, August 17, 2018**. If the plaintiff needs documents from the defendant in order to file her opposition brief, she can file a motion, asking the court for permission to request those documents. See Pavey v. Conley, 544 F.3d 739, 742 (7th Cir. 2008). If the plaintiff needs more time to file her opposition brief, she can file a request with the court, *in time for the court to receive it before the August 17, 2018 deadline*. If the court does not receive either an opposing brief, or a motion for an extension of time, by the end of the day on August 17, 2018, the court will decide the defendant's summary judgment motion without input from the plaintiff. Once the court rules on the motion for summary judgment, it will decide whether it needs to issue a scheduling order.

The court **ORDERS** the plaintiff to file a response to the defendant's motion for summary judgment in time for the court to receive it by the end of the day on **Friday, August 17, 2018**.

Dated in Milwaukee, Wisconsin this 11th day of July, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge